

BOARD OF MAYOR AND ALDERMEN

October 18, 2005

7:30 PM

Mayor Baines called the meeting to order in joint session with the Library Trustees.

The Clerk called the roll.

Board of Aldermen: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Library Trustees: Joanne Barrett, Mary Heath, Joseph Sullivan, Kevin Devine, Madeleine Roy, Jeffrey Hickock, Karen Sheehan-Lord

Mayor Baines stated I would like to just say that Mary Heath has been nominated to be Deputy Commissioner of Education and I believe I speak for all of the people in this room saying they could not have made a better selection. Your commitment to public education and the well being of children is legendary. Your passion for children is something that is worthy of emulation by all who get into the field of education. We wish you all the best during the confirmation process. Good luck. I could say that also single-handedly this lady brought millions of dollars into the School District with grants to help children.

Mayor Baines advised that nominations are in order to fill the expired term of Joanne Barrett; such nominations to be made for a term to expire October 1, 2011.

Alderman Roy moved to nominate Joanne Barrett to succeed herself as a Library Trustee, term to expire October 1, 2011. Trustee Kevin Devine duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Roy moved to close the nominations. Alderman Thibault duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Roy moved to suspend the rules and confirm the nomination of Joanne Barrett as a Library Trustee, term to expire October 1, 2011.

Mayor Baines stated we haven't been doing that. What would be the reason for doing that?

Alderman Roy responded she is succeeding herself and Chairman of the Board.

Alderman Forest duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

There being no further business to come before the joint session, on motion of Trustee Mary Heath, duly seconded by Alderman Sysyn it was voted to adjourn.

Mayor Baines called the regular meeting of the Board to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil,
Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Baines called Chief Joe Kane and his firefighters forward.

Presentation of Certificates of Appreciation to members of the Manchester Fire Department who served in the Katrina disaster area: Captain James Roy, Lt. Robert Beaudet, Lt. Jeff MacDowell, Firefighter Jeff Goley, Firefighter James Provencher, Firefighter Witty Phelps, Firefighter Timothy Morgrage, Firefighter Joel Monroe and Firefighter Ryan Cashin.

Mayor Baines stated I had asked the Chief to bring forward this group of very brave men and great Americans I might add who when our country was in need after the devastation of Hurricane Katrina volunteered to go south and help in the recovery effort. Now you ask why do people answer the call and I am always amazed at it but I think when you have people who serve our community the way they do with such bravery and conviction, the personal sacrifices that they and their families have made to pursue this career in fire service, I think you will understand why they volunteered. I know that this was a great deal of personal sacrifice because I saw some great smiles on those three kids over there when they were waiting for their dad to get off the plane. They were so excited to see their dad but you could see the hope and the anxiety and the excitement on the faces of all of these families that gathered to welcome their dads or spouses or boyfriends home. It was a great moment to be Mayor of the City of Manchester. Tonight it is a great moment for all of us in Manchester as the Board of Mayor and Aldermen as we pay tribute to these men for going to serve our country in time of need. It is an honor for me to be able to present certificates on behalf of both myself and the Board of Mayor and Aldermen and Governor John Lynch but before I do that I will ask Chief Kane to say a few words and introduce these gentlemen.

Joseph Kane, Fire Chief, stated thank you for those kind words. I just wanted to point out one quick thing. When the word went out for people to step forward, these gentlemen here stepped forward right away. There was no hesitation in their thoughts. They knew that people were in trouble and they stepped forward and volunteered to head down south without any thought of what they were getting into, leaving...I am sure they thought of leaving their families behind but there was no hesitation. I just wanted to point that out.

Mayor Baines stated I have the certificates and what I will do is read one of them.

The one from the City reads as follows:

City of Manchester

This certificate of appreciation is hereby granted to Captain James Roy for generously volunteering your time and expertise to help the victims of the Gulf Coast hurricanes and for the personal sacrifice made by your family to allow you to aid in this worthy cause.

Granted October 18, 2005
s/Robert A. Baines, Mayor

The Governor's read as follows:

State of New Hampshire
John H. Lynch, Governor

Citation

Be it hereby known that I, John H. Lynch, Governor of the State of New Hampshire join with my fellow citizens in extending my personal best wishes and sincerest congratulations to Captain James Roy of the Manchester Fire Department in recognition of your dedication and commitment to your fellow Americans in their time of need. Your volunteer assignment to help victims of Hurricane Katrina and Rita in the Gulf Coast is admirable. The State of New Hampshire is fortunate to have you in our community and on behalf of the citizens of New Hampshire I commend you for your commitment to the state and wish you all the best in the future.

s/John H. Lynch, Governor
October 10, 2005

Mayor Baines called Captain James Roy forward to accept the certificates.

Mayor Baines called Lt. Robert Beaudet forward to acknowledge his contribution and then Lt. Jeff MacDowell, Firefighter Jeff Goley, Firefighter James Provencher, Firefighter Witty Phelps, Firefighter Timothy Morgrage, Firefighter Joel Monroe and Firefighter Ryan Cashin.

Mayor Baines asked Captain Roy to come forward and talk about the assignment and share with the people in Manchester some of the things that he experienced.

Captain James Roy stated I would just like to say that we were asked to go down and help FEMA. It was a perfect fit. They were looking for individuals who could make tough decisions in tough times quickly and make them right. They were looking for honest individuals. They were looking for people who knew the Internet command system, knew customer service and could do that customer service even after having seen some really tough things. It was a perfect fit with the Fire Service. These individuals behind me not only represent the Manchester Fire Department but the City of Manchester in the most exemplary way. They did a wonderful job. The citizens in the County of Hancock, Mississippi will never forget Manchester, NH because of these individuals behind me. If I have time can I give one example? I forget what date it was but Rita was bearing down on the coast and at 10 AM we were told to go to a fallback position, which meant that we had to leave the area. At 2 PM I got a call from Jackson, Mississippi from a Mr. Cornbill asking me

if I could get enough firefighters together to move people from a shelter that was in harm's way to some trailers that had been positioned north at a trailer park. I knew that these individuals behind me would still be working hard. I at that time wasn't actually in the field working with them all of the time. I was in charge of the entire county of 150 firefighters but I knew these firefighters behind me wouldn't have pulled back that quickly. So I called them and they, along with another group of eight that we worked with constantly down there responded to that call while I went back to headquarters and tried to make things work. I took the responsibility to include another shelter, which was even closer to the shore that we had been working with. It had a lot of people who were in danger. They went to both of the shelters and to the trailer park to make sure the trailers were actually there and talked to the people along with some wonderful counselors with the NOVA program from Florida to help convince these people that the safest thing is to be moved. After a lot of difficulty I procured some buses and with the buses these individuals moved 45 families, 106 people, out of harms way and they finally got done at 11 PM. I couldn't have been prouder of these guys. There are 106 people right there that will never forget the Manchester NH Fire Department and Manchester, NH. There are other stories but these guys right here did a tremendous job and one that we can all be proud of. Thank you, Mayor.

Mayor Baines stated because of the inspiration of your service to our country and on behalf of the citizens of Manchester I am pleased to announce tonight that the City of Manchester has established a partnership with Waveland, Mississippi to support the city's long-term recovery. This partnership began when the Manchester Fire Department sent these brave firefighters to this disaster area. Waveland, Mississippi has a population of 6,674 people. It sits on the Gulf of Mexico and has been called Mississippi's Ground Zero by Federal rescue teams. Unlike larger cities such as Gulfport, Waveland has virtually no intact local infrastructure. No intact local infrastructure and because of its size it was placed at the end of the line for the initial search and rescue efforts. Tragically, the city's historic downtown with its stately structures dating to 1888 are all gone. This includes City Hall, the Fire Department, the Post Office, the town's two finest restaurants, beachfront condos, bungalows and Victorian homes. There are, in fact, no buildings left in Waveland, only concrete slabs. I am asking the citizens of Manchester to help this effort to rebuild Waveland, Mississippi. While all of us in Manchester are focused on the needs of flood victims in New Hampshire, I know that the generosity of our citizens will extend to the citizens of Waveland whose lives have been impacted forever by these dedicated firefighters. Communication with Waveland and its Mayor, Tommy Longo is difficult. The City of Manchester intends to take its lead from Mayor Longo in order to prioritize Waveland's immediate needs. Activities aimed at helping Waveland rebuild may include fundraising, material aid and technical assistance for city personnel, as well as the development of cooperative relationships between families, schools, churches and businesses in our community. Manchester, in conjunction with the Corporation for National and Community Service, has selected a Vista volunteer member to spearhead and coordinate relief efforts moving forward. Over the next few weeks, this Vista member will be working with local

businesses and volunteer organizations to help coordinate assistance to Waveland, including the creation of a Manchester/Waveland Relief Fund. I would now like to ask Dennis Hebert to come up and talk a little bit about the Vista Program and thank him publicly for his efforts.

Dennis Hebert, stated this is a tough act to follow but I am very proud of these gentlemen. We were asked to put together a program of assistance as the Mayor so aptly put it and we are going to use the Corporation for National Community Service, which is the umbrella organization that matches the Americorps Vista Program that I direct in the City. We are going to put a comprehensive program together as the Mayor just outlined to help Waveland, Mississippi. I would like to introduce Serena Kelley, who is the Director of the Tri-State Region for the Corporation – New Hampshire, Maine and Vermont, who will make a few comments about the Corporation and their role and I want to introduce this lovely young lady who will be our Vista Member Coordinator and will be working very hard with us to help put together this massive effort to help Waveland, Mississippi. Her name is Jocelyn Haskey and she is going to have her hands full.

Ms. Kelley stated it is a pleasure to be here especially in the company of folks who have already gone down there and served and they know first hand just what a tremendous job we have yet to do down in those southern states. I think most of us are aware that while some of the clean up has begun the rebuilding really hasn't even started yet. As our corporation for national community services is a federal agency and we are under the umbrella of Homeland Security and we have a citizen core component, which is volunteers who work in disaster preparedness and homeland security and in addition with our Vista projects which are helping low income people out of poverty so our agency is involved in civic engagement and volunteerism and we have been very pleased over the last couple of years to have a partnership with the City of Manchester where volunteers, Vista volunteers, like Jocelyn here give a year of their life and they get very little dollar wise for it. They get a living allowance so they can eat at least but they go for a full year and they can't work for that time serving their country. We are going to combine those resources that we have given the City and the Vista Program to try and bridge and do some work down in the southern states. We saw in our three states here – New Hampshire, Vermont and Maine, such a tremendous outpouring of citizens that wanted to help and couldn't find ways to help and Manchester has such a wonderful record of volunteerism and so much civic involvement that we really think this will be a wonderful opportunity for the City to come together and collaborate and work together under the support of the Vista resources here to try and help the people who need it so desperately down in the south. We are very pleased to partner with the City in this opportunity. We hope that citizens listening out there will consider being a Vista volunteer.

Mr. Hebert finally I want to say that one of the things we are hoping is this won't be just an immediate thing. It is going to have long-term ramifications. I found out within the last few days that the community of Waveland is also being sponsored by Edmunds, Washington,

which happens to be on Puget Sound. It sounds like a really tough place to live. I talked to Mayor Gary Harkinson there recently and the Mayor is very excited about partnering with Manchester to help Waveland and down in the area where you folks were. So this is going to be a phenomenal partnership and we can't wait to get started to have a state from the deep south with a state from the northwest with a state from Northern New England all working together to take off and expand all of the great work that you did down there. My hats off to you. I am very proud of you and I hope that all of us will make you, the Mayor, the City of Manchester and the citizens of this great community proud. Thank you.

Mayor Baines stated I also want to announce that on November 20 there will be a major event, it will be at the Palace Theatre to finalize it and schedule a major fundraiser for flood relief here in New Hampshire. We will be unveiling it probably early next week and we will hopefully be involving all of the Aldermen and civic leaders and business members of our communities as we reach out to NH flood victims but I am going to leave it at that because we have an exciting announcement that will follow about that fundraising effort.

Alderman Gatsas stated there is a fundraising effort that is going to be held by the Senate and House on Thursday, a telethon, at WMUR and certainly any Alderman that wants to come down and man the phones is welcome. It is Thursday, October 27. If people are interested, give us a holler at the State House and we certainly would make accommodations for you to answer the phones during the course of the day at WMUR.

Mayor Baines asked do you have the time.

Alderman Gatsas stated that has not been set. It is going to be set by the Committee probably this week.

Mayor Baines stated I would also like to commend Senate President and Alderman Gatsas for the outstanding leadership he provided in the absence of Governor Lynch and thank you for representing our City and State so well.

Presentation by Southern New Hampshire Planning Commission of the Regional Transit Feasibility Study.

Tim White, Senior Transportation Planner stated on behalf of David Preece and Dave Smith from the MTA I would like to thank the Board for this opportunity to meet with them. I would like to take a few moments to provide the Board with some information concerning our Regional Transit Feasibility Study. We are presently working on the study and we are in the initial stages of the work as we speak. This presentation that we are getting here this evening is part of our effort to keep the City informed of the progress of the study. Taking a look at some of the history behind the study we had a stakeholders meeting back early in the year to discuss priorities for our transit planning projects for the upcoming year. The

meeting was attended by the NH Department of Transportation, representatives of the MTA, the City of Manchester and other regional authorities. It was basically expressed that there was a general consensus that the study should be undertaken to tie into the statewide transit coordination study. As a result we put together a scope and a budget for the study and reviewed those documents with our stakeholders. Taking a quick look at some of the issues involved in the Regional Transit Feasibility Study, why we are doing the study and the issues that we are trying to address, basically what we are seeing in our region as well as nation wide is more dispersed development patterns. Developments and travel are occurring at the fringes of our urban areas. One of the principle reasons that this phenomenon is happening around here is basically people looking for more affordable housing and there is a greater demand for housing in this region. As a result, we are seeing increased regional trip making and more travel, which is occurring across municipal boundaries between our urban areas and cities. One of the reasons that we feel it is important for us to be addressing this issue is that we feel it is part of our responsibility to do our part to insure the maintenance of regional mobility and accessibility. This region also needs to compete economically, not only on a regional and national level but also an international level. One of the other issues that we are addressing here is we are trying to take the steps that require us to maintain the quality of life for people who work in this area and live in this area. We feel that these are relatively new issues and there is a need for innovative solutions to address these problems. If we take a look just for a moment at some of the real focus of the study basically what we are trying to do is we are trying to look at the feasibility of expanding the transit system in this area so it can provide services on a more regional scale. Part of that effort is going to be attempting to provide better coordination and improved information for those who use the system trying to provide people with the information they need on what services are available for transportation in this area. We are going to be depending on an advisory committee to oversee the progress of the study. The advisory committee will be comprised of representatives from the Manchester Transit Authority, the Southern NH Planning Commission, the NH DOT and the City of Manchester as well as other social service agency transportation providers. If we look at the specific tasks that are contained in the scope of the Regional Transit Feasibility Study, the first task is the comprehensive operations analysis, which is kind of an off shoot of the broader Regional Transit Feasibility Study. The purpose of the COA is to insure that the existing transit system is working as efficiently as possible before we look at how we would expand it on a regional scale. The COA involves a detailed look at how the system is presently operating in terms of routes, costs and schedules. It includes data collection, service evaluations and recommendations on how the existing service could be fine-tuned. With the assistance of the MTA, we have chosen KKO and Associates of Andover, MA to do the comprehensive operations analysis. They are presently working on the COA and we anticipate that they will complete the study early in the new year. The second task in the Regional Transit Feasibility Study will be a literature review and data collection. We will be looking at examples from other areas and from this area on how transit systems have been modified to provide services on a more regional scale. We are going to be looking at how to provide better coordinated transportation services and

completion of this task will also enable us to better understand the travel patterns that are occurring in our region. The next task in the scope, the survey of existing transportation providers, basically the situation that we have in our region now is that there are a lot of transportation services available from a lot of different sources, however, these services are characterized by a lack of coordination, which results in inefficiencies and duplication of services. In order to address this issue we would like to develop a comprehensive database of transportation providers so this information can be given to those people who need it. We are presently developing this database with the assistance of other regional groups, such as the Getting There Manchester project. Of course, there will be a quantitative assessment of demand for regional transit services within the scope of this project. We will attempt to identify where the demand exists and how to best meet it. We have already received feedback from numerous regional stakeholders on where some of the demand for regional transit services may exist in this area. This task will also require close coordination with the preliminary results of the comprehensive operations analysis, which is ongoing now. The Regional Transit model task...one of the important elements of the study will be to identify the various features – institutional, administrative and operational features that are required to effectively operate and coordinate regional transit services. However, an essential portion of this task is going to be addressing the issue of funding for transit. We will be holding a series of meetings with elected officials and other stakeholders in an attempt to identify sources for transit funding and also to identify dedicated sources for transit funding in this area. Realistically because of funding constraints it is likely that the start-up of any transit services on a regional scale will likely occur on an incremental basis. It is essential to develop an effective implementation strategy for these services and this will also require close coordination with the MTA. Finally, we would anticipate summarizing the findings of the Regional Transit Feasibility Study in the form of a final report and presenting the results to the Southern NH Planning Commission, the MTA and other regional stakeholders including the City of Manchester. We look forward to reporting our findings to you in the future. Once again, on behalf of the Southern NH Planning Commission and the MTA I would like to thank you again for this opportunity.

Alderman Gatsas stated thank you for your report. I guess I have some questions in regards to the Regional Transit Model. My understanding is that there was a parking garage that was scheduled for the Millyard. It was on this year's 10-year plan by the state. Can you tell me where that plan has been moved to and what the plans are moving forward for that 600 car parking garage?

Mr. White stated I would probably have to refer that question to the consultant that is presently working on the parking study for the City.

Robert MacKenzie, Planning Director, stated I can't add too much more. It has been on the Governor's 10-year list for awhile. It is my understanding that it is not on the proposed list.

Alderman Gatsas asked can somebody because I know that we as a City had federal funds to build a 600 car parking garage that was going to move, I think, the offshoot that was offered to us was that it was going to move to Granite Street in that parking lot that houses WMUR but I think that it was there and it was going to be built with federal dollars. Somebody needs to address it and come back to this Board and tell us what the proposed plan now is.

Mr. White stated I think I should probably offer the services of the Regional Planning Commission to look into that issue for you.

Alderman DeVries stated you spoke about the overlap of providers and a duplication of services and I was just wondering if you could elaborate slightly on that for me.

Mr. White answered there are a great deal of transportation services that are provided by many of the social service agency providers in this area – the Boy’s Club, STS and other social service agency providers and they offer a lot of services but there isn’t really a great deal of coordination. What we basically need is one organization or one body that can provide information on the services that are available when people need them. What I would suggest is that one of the outcomes of this study will be the development of a framework for being able to provide information on what transportation services are available to those people who actually need them.

Alderman Guinta stated I have one follow-up and then a second question. The follow-up might be to Bob. The federal funds dedicated to what Alderman Gatsas was talking about, do we know what federal fiscal year that was appropriated or earmarked?

Mr. MacKenzie responded no I do not know.

Alderman Guinta asked can we get that researched because I suspect...

Alderman Gatsas interjected the answer is 2005 the construction was going to begin. The money was going to be earmarked for that parking garage and we were on the front end of that 10-year highway plan.

Alderman Guinta stated my concern is it must have been earmarked between 1999 and 2002 if construction was to start now. If that is no longer in the 10 year plan and I don’t believe it is, I think that would remove the federal funding, which would then...it doesn’t revert to the state it would revert back to the federal government so I would be curious to know when the funding was allocated and what the amount was.

Mr. MacKenzie responded I don’t believe that any money reverts back to the federal government. The state prioritizes projects and if there were other projects that were ready to go they probably utilized those funds. I know in the past the state gave us a commitment that

they were willing to do this project when the City was ready with a location. You may remember that the original location was where the baseball stadium is now. Those commitments may still be there but again I did not necessarily see it in the current draft.

Alderman Guinta stated I would question one thing you said in that if it is federal funds they have to be...I believe by federal law dedicated to the project. They can't be moved from one project to another without federal approve and because they are dedicated in certain fiscal years in certain transportation bills if that project is no longer moving forward I am almost certain that according to federal law they revert back to the federal government. The state doesn't have the authority, Bob, to apply it to a different project like the City would on a City level.

Mr. MacKenzie stated they do get discretionary funds. There are several different categories and they have the ability each year to earmark money toward their priority projects so it is a little bit like our HUD CDBG funds. There are certain projects they cannot move but most of them are in general categories that they can earmark for interstate highway systems or bridge repair or in this case multi-model garages.

Mayor Baines stated we are not going to solve this issue tonight. We can get more information and get back to the Board.

Alderman Thibault stated serving on the Southern NH Planning Commission I was just talking to the Director over there a couple of months ago about exactly what Alderman Gatsas is talking about and from my understanding it has been pushed back four or five years. Now David Preece is here and he might have more information but I was just talking to him a couple of months ago about it and he told me it had been pushed back four to five years. That is also because of all the construction that has been going on down there like the ballpark and all of that.

Mayor Baines stated I would rather not deal with speculation. Lets get all of the information together and come back to the full Board.

Alderman Guinta stated Sir you talked a little bit about funding – transit funding and then identifying an actual specified. Can you just touch a little bit on that issue and what the obstacles are that we may encounter in terms of funding?

Mr. White responded we feel that the two most important issues are one to try and develop additional sources of funding. We would like to have transit in this region get into the kind of situation where they have a dedicated source of funding and the funding doesn't have to be reappropriated every year in order to sustain the transit system. We would like to be able to have a series of meetings with elected officials and stakeholders to try and identify some of the sources that we could use to establish dedicated concrete sources for transit in this region.

Alderman Guinta asked and today we don't have any identified areas of where that possible dedicated funding could come from.

Mr. White answered we haven't identified any as of yet. That would be something that we would be looking at very closely within this task of the study. We would have to, as I said, have the interviews with the stakeholders and ask some very difficult questions about where the money would have to come from.

Alderman Osborne stated I have one question. Is there any statute of limitations to any of this funding at any time?

Mr. White asked the funding for the study itself.

Alderman Osborne responded any funding from the government or from the state. Is there any statute of limitations for this funding?

Mayor Baines asked are there any restrictions on when money can be spent on various projects from the federal government.

Mr. White answered not to my knowledge as far as the funding for this study is concerned.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Poll Conducted

- A. On October 3, 2005 approving rescheduling of Board meetings for November and December to one meeting each month to be held on November 15th and December 6, 2005.
(Unanimous vote)

Accept BMA Minutes

- B. Minutes of meetings held on May 23, 2005 (one meeting) and June 7, 2005 (two meetings).

Informational – to be Received and Filed

- C. Minutes of the Mayor's Utility Coordinating Committee meeting held on September 21, 2005.
- D. Minutes of the MTA meeting held on August 30, 2005 and the Financial and Ridership Reports for the month of August 2005.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

E. Resolutions:

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000) for the 2006 CIP 214106 Firesafe Intervention Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Fifty Two Thousand Three Hundred Seventy Seven Dollars and Forty Five Cents (\$352,377.45) for FY2006 CIP 411706 – 2006 Homeland Security & Hazardous Materials Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Five Thousand Dollars (\$45,000) for FY2006 CIP 610506 Valley Cemetery Project.”

“Amending the FY2004, 2005 and 2006 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for FY2006 CIP 612206 Neighborhood Revitalization Economic Incentive Program.”

“Amending the FY2006 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Thousand Two Hundred Dollars (\$2,200) for FY2006 CIP 612306 Facility Repairs – Manchester Emergency Housing Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Forty Thousand Dollars (\$140,000) for various CIP Projects.”

“Authorizing the Finance Officer to effect a transfer of One Thousand Dollars (\$1,000.00) from Contingency to Highway – Miscellaneous.”

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

F. Recommending that Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Development Coordinator) of the Code of Ordinances of the City of Manchester.”

ought to pass as amended.

(Aldermen Lopez, Roy, Sysyn and DeVries voted yea; Alderman O’Neil voted nay.)

COMMITTEE ON COMMUNITY IMPROVEMENT

G. Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$16,000 for FY2006 CIP 214106 Firesafe Intervention Program, and for such purpose a resolution and budget authorization have been submitted.

(Unanimous vote)

- H.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$45,000 for FY2006 CIP 610506 Valley Cemetery Project, and for such purpose a resolution and budget authorization have been submitted.
(Unanimous vote)
- I.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$150,000 for FY2006 CIP 612206 Neighborhood Revitalization Economic Incentive Program, and for such purpose a resolution and budget authorization have been submitted.
(Unanimous vote)
- J.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$2,200 from FY06 CIP 612306 Facility Repairs – Manchester Emergency Housing Project, and for such purpose a resolution and budget authorization have been submitted.
(Unanimous vote)
- K.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$140,000 for various CIP projects, and for such purpose a resolution and budget authorization have been submitted.
(Unanimous vote)
- L.** Recommending that the Fire Chief be authorized to accept several grants totaling \$352,377.45 for various Homeland Security and Hazardous Materials activities, and for such purpose a resolution and budget authorization have been submitted.
(Unanimous vote)
- M.** Recommending that funding in the amount of \$1,500 be utilized for the installation of a raised island on Cohas Avenue at Island Pond Road. If the \$1,500 cannot be found by CIP staff and is not available in the Highway Department budget, it is recommended that the funding be transferred from Contingency to the Highway Department.
(Unanimous vote)
- P.** Recommending that the Board authorize the City to enter into a contract with Manchester Neighborhood Housing Services and Freddie Mac to create a Workforce Housing Initiative to offer assistance to City employees by providing home ownership counseling seminars.
(Unanimous vote)

COMMITTEE ON JOINT SCHOOL BUILDINGS

- R.** Advising that they have authorized an RFP to be done for consultant services for the design work to enclose the open concept classrooms.
(Unanimous vote with School Committee Members Perry and Kelley absent.)
- S.** Advising that they have approved the proposal (enclosed herein) for the installation of granite War Memorials at Central High School.
(Unanimous vote with School Committee Members Perry and Kelley absent.)

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- T.** Recommending that they have approved an Ordinance:
- “Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

and recommends that same be referred to the Committee on Bills on Second Reading for technical review.
(*Unanimous vote*)

- U. Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.
(*Unanimous vote*)
- V. Advising that they have requested the Police Chief to provide a police detail at the Victory Parking Garage on Thursday, Friday and Saturday nights due to recent vandalism and that this detail be paid for by the owners of Club Liquid.
(*Unanimous vote*)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN SMITH, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Report of the Committee on Community Improvement:

Recommending that the proposed Short Term Municipal/County Cleaner Manchester Project be approved.
(*Unanimous vote*)

Alderman Lopez stated I passed out earlier to the Board in reference to this subject that the Board unanimously approved information that I got today. I wanted to comment on a couple of things. For months we have worked very hard to get a good relationship with all concerned – the Highway Department, the union and all of that. Today I was informed by the President of Local 298 because of a policy with the AFL-CIO that unions cannot support using prisoners for any work detail. With that policy Mike Rockwell said he had to withdraw any support for using prisoners and I must say trustee prisoners for any work detail. I want to comment that it is not his fault. He didn't realize there was a policy when he signed the document. The correspondence from him has been received by each Alderman indicating that. The second correspondence that I wanted to bring to the attention of the Aldermen before we act on this is that I had a conversation this afternoon with David Hodgen, our Negotiator, regarding this project. Under Article 34 of the AFCME Master Agreement the City has reserved the right to engage in projects. In saying all of that it is not wrong for us to move forward. We have volunteers that clean up our parks, Adopt-A-Block programs, Highway programs and most union members understand all of this. This is not taking any jobs whatsoever away from any City employee. It would be nice if we had the money to hire more people but that puts more money on the taxpayers and none of us want to...that includes union members who pay taxes. It is only common sense so I ask this Board to approve moving forward with this plan of utilizing trustee prisoners to clean up the median strips in the City of Manchester.

Alderman Lopez moved to accept, receive and adopt the report of the Committee on Community Improvement. Alderman Sysyn duly seconded the motion.

Alderman O'Neil asked are we going to end up with a grievance and legal and all of that as part of this.

Alderman Lopez answered there is always the possibility that somebody can grieve it but in talking to David Hodgen he will handle that situation and in talking to Frank Thomas yes there might be one or two employees who disagree with this but they have to be assured and I assured them that this is not replacing any jobs in the City. This is trying to help the City. These are trustee prisoners coming forward under supervision to do a good job for the City of Manchester before they get out of prison. I don't know if Frank Thomas would like to comment on this to assure the Aldermen how it is going to work.

Frank Thomas, Public Works Director, stated as Alderman Lopez mentioned the work that these prisoners would be doing would be work that typically we can't do because of our budget and our other commitments. It would be work that just doesn't get done in the City. So as the Alderman did mention this would not be taking away any overtime and this would not be taking away any work from my staff and I support the program because again anything we can do to improve the cleanliness of the City is going to be a benefit to all of us.

Alderman DeVries stated I wanted to continue the train of thought that Alderman O'Neil had started because I do believe that we could end up fighting some very costly and expensive grievances should there be an individual grievance or an association grievance as the union has not signed off on this. It does cost us money every time we do have to defend the City's position and I would just caution the Board that we should look at this thoroughly and I don't think that we have. I think this one has been rushed. I just don't agree with the position that jobs that are already being provided by City employees should be...the work should be done by the prisoners. I think it will lead to grievances and I do think we will be spending City dollars defending that position.

Alderman Guinta asked has anyone seen Article 34 of the AFCME agreement.

Mayor Baines asked do you have it.

Alderman Guinta answered no. I am referring to David's e-mail saying that Article 34 reserves the right to engage and it says in projects such as this. I would like to see the actual language in the agreement to see how specific it is or how broad it is because I do believe that as Alderman O'Neil and Alderman DeVries have suggested that the cost of grievances could be an issue. I don't know if we can get that or have that available tonight.

Mayor Baines responded Mr. Thomas says he can address that.

Alderman Lopez stated David Hodgen would have been here tonight but he had to go and take care of his mother.

Mr. Thomas stated I don't have the exact wording but that article basically refers to our ability to go out and contract for work. Say we want to put out a contract to clean catch basins. We do have staff that does that now but we do have the right to put out a contract for catch basin cleaning. We do paving now or street reconstruction work. We have the ability to contract that out and I believe that is what Dave Hodgen was referring to.

Alderman Guinta stated my concern there would be then if we are not putting this out to RFP because contracts usually refer to RFP we would be bypassing the RFP process and going directly to Hillsborough County. So there is a concern I guess that I have there in the language. Maybe we could get a waiver or something and I don't know but I would be very concerned about that. I know the last time we discussed it the liability issue, I think, had been raised by an Alderman. I don't know if we received any word on that.

Mayor Baines stated Harry Ntapalis addressed that at the last meeting.

Alderman Guinta stated but I thought there was a request by an Alderman for more specific information.

Alderman Shea stated according to Harry Ntapalis, he presented to us the statutes and session law and he can comment on 281-A:2. While he is coming up maybe after we can get some clarification from the City Solicitor regarding if in fact somebody decides to grieve it what the procedure might be.

Harry Ntapalis, Risk Manager, stated the section that Alderman Shea has mentioned is one of the concerns that the Committee had had. I guess the Board also had it a couple of weeks before that and that was on the worker's compensation. The liability exposure that the City would or wouldn't have and it is very specific in statute. It is RSA 281-A:2. I did hand out a packet to Committee members but I will read one spot on it "an employee with respect to public employment shall not include any inmate of a county or state correctional facility who is under RSA 651 required or allowed to work and perform services. So in essence they are considered wards of the state with respect to worker's compensation.

Alderman Sysyn asked haven't we done this before. We did this before it seems to me when I first became an Alderman.

Alderman Lopez stated I have been told that.

Mr. Thomas stated we did lose prison labor up at the landfill when we had an operating landfill to pick up paper. If you remember we had a large fence up along the highway side and we used prison labor on a couple of different occasions.

Mayor Baines asked were there any grievances.

Mr. Thomas answered no.

Alderman Osborne stated I am going to be opposed to this this evening. I think there is a possibility of a liability with the City here. Maybe we were lucky the last time but maybe this time we don't be. There is always that one chance that you might have a negligence in the City or one thing or another. The City can still be sued. That is what is blocking me with this.

Mr. Ntapalis replied I can appreciate that concern. It did come up at one of the previous meetings also with the respect to the potential for liability exposure. As Mr. Thomas just mentioned we had an occasion in the past where we did utilize county correctional facility prisoners with no problem. I recall in the early 90's we did use them at Valley Street Cemetery for a Parks project and that was successful. Again, there were no grievances to my knowledge nor was there any liability issue. To answer specifically the concern that Alderman Osborne brings up, which is a valid concern, there is always a potential with respect to liability surfacing if you are using volunteer service in any fashion. Even the volunteers that work in the streets for us if something was to happen or they damage property so there is always that potential but in this situation using the trustees as Alderman Lopez had mentioned from the county correctional facility or a state facility you are looking at a situation where most of that risk is transferred to the county or whoever provides the security and the transportation, etc. They really come under the care, custody and control of that correctional facility and the exposure is really minimized to the City of Manchester if that helps.

Mayor Baines stated I know I have seen it in some communities that I have visited. I have seen them picking litter up off the streets, etc.

Alderman Osborne stated it kind of strikes me like when you have a malpractice against a doctor or hospital or a negligence in a hospital with a doctor it seems that they sue everybody – the doctor, the hospital, the nurse and everybody. This is what I am getting at. I am still opposed to it.

Alderman Smith stated I did bring up the liability but I think before we run we should walk and I think that the City of Manchester, Dave Hodgen, Harry Ntapalis, the Solicitor, Frank Thomas, and the union should get together and get a copy of the contract to make sure...the program sounds very good and it is very reasonable but I want to have some satisfaction and I think the only way we can do it is we communicate with the different parties. I don't think time is a problem. We can do it in a month but we should have all of the parties get together and resolve this.

Mayor Baines stated if that is what you want to happen then we should table this.

Alderman Gatsas stated fortunately enough this Board televises their community meetings, not only the Board meetings but all of the Committee meetings so I watched the Committee meeting where this was discussed and the only liability issue that came up was the worker's compensation. Are you suggesting, Harry, that the county has already told you that they are willing to accept the liability where...I understand that they picked up garbage along the highway and I understand that they did some clean-up in the cemetery but now we are looking to take them into the neighborhoods.

Alderman Lopez stated I disagree with that.

Alderman Gatsas replied let me finish because I think that we have rules here we should all follow. I would say that if the county is telling you they are willing to pick up that liability because they are out in neighborhoods because I guess whether they are downtown cleaning up litter...I would consider that a neighborhood so if we are talking about other places that aren't neighborhoods I would say this whole City is neighborhoods. Again, if you are telling me that the county is going to pick up that liability if there is a problem out there then that is fine. Does the county know that they could be out in neighborhoods?

Mr. Ntapalis stated I haven't talked to the county specifically but my understanding of the projected project is that it is going to be on median strips in the areas in the middle of roadways and highways as opposed to residential neighborhoods. Now the county is also going to supply the supervision, obviously. They are going to have a guard I would imagine and you are not going to have a number of individuals that are released at once. It is probably a workforce, if I understood Frank correctly at the last meeting, of four or five individuals that would be working in any location at one time. Again, that minimizes the potential for liability but the point is well taken.

Alderman Lopez stated I think enough has been said. It is unfortunate that there is dissention in cleaning up the City. We are going to save over \$100,000 so I am willing to wait another month and get the information that Alderman Smith wants so I withdraw my motion and move to table this until the information is provided.

Alderman Smith duly seconded the motion to table.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Report of the Committee on Community Improvement:

Recommending that funding to install partitions for the Employee Assistance Program at 1045 Elm Street be approved. The Committee notes that the funding is to come out of the City Space Improvements Project subject to review of the lease agreement by the City Solicitor.

(Unanimous vote)

Alderman O'Neil stated at the Committee meeting a question was asked regarding the lease agreement of the City. I think Solicitor Clark has a quick answer.

Thomas Clark, City Solicitor, stated Alderman O'Neil had contacted me and asked if the City would be responsible for the payment of these partitions. I believe it is relatively small dollars but yes the City is responsible.

Alderman O'Neil stated we are the owner of the building so with that I would move to accept, receive and adopt the report of the Committee on Community Improvement. Alderman Porter duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Report of the Committee on Community Improvement:

Recommending that a petition for the discontinuance of a portion of Union East Back Street and a petition for the discontinuance of a portion of Spruce South Back Street be referred to a road hearing to be scheduled by the City Clerk.
(*Unanimous vote*)

Alderman DeVries stated the recommendation from Highway calls for a 20 foot sewer drain easement on the property, which was never previously recorded and I just wanted assurances that that would either occur prior to the public hearing or be a condition stated at the public hearing so the public got the full story.

Deputy City Clerk Johnson stated the recommendations would come at the road hearing and would be acted on at that time.

On motion of Alderman DeVries, duly seconded by Alderman Roy it was voted to accept, receive and adopt the report of the Committee on Community Improvement.

Report of the Special Committee on Riverfront Activities and Baseball:

Advising that they have authorized the Finance Officer to release letters of credit relating to the Riverfront Development project in accordance with the Make-Whole agreement as the project has reached the 60% completion level.
(*Unanimous vote – Alderman Gatsas absent*)

Alderman Shea asked could someone give us some kind of a background concerning the ballpark – how the taxpayers of Manchester if, at all, are being impacted by this, where it is, what can we expect from the tax rate, etc. This is a season where everyone is interested in making sure that the taxpayers are obviously concerned about matters at City government and the representatives of these people. Randy do you want to take a shot at it and let us know? Is the bond going to be covered? Are we paying extra money? You hear all kinds of things.

Randy Sherman, Deputy Finance Officer stated the debt service on the bonds that were issued to build the baseball stadium are funded through two sources. They are funded

primarily through the lease payment from the team and it is funded from the property taxes of the surrounding development.

Alderman Shea asked what does the bonding cost. What is it costing for the bond? How much is it costing per year?

Mr. Sherman answered I don't have that number in front of me.

Alderman Shea asked is it \$1.8 million. Is that about what it cost for the bonding?

Mr. Sherman answered on average it is about \$1.8 million but the first year was much less than that. Off hand I don't recall what that number is.

Alderman Shea asked how do we stand in relationship to the \$1.8 million.

Mr. Sherman answered we have the lease payment from the team. The Assessors have calculated the estimated taxes on the three parcels – the three development parcels around the stadium and there is a difference between the debt service and the lease payments and those property taxes and the three developers have made the payment to make up for that difference. Part of their responsibility was if they do not generate sufficient tax revenues to cover their share of the debt service they would actually make a payment to the City. Back in June when we had the estimated tax bills go out they made half of the payment and when we get the tax bills out for the second half we will redo the calculations and we will bill each one of the developers for their share.

Alderman Shea stated my question is are we going to meet this particular debt service without incurring any taxes on the part of the citizenry. That is what I am asking?

Mr. Sherman answered yes we will. Even though we are releasing a portion of the letters of credit there still remain balances on those letters of credit that if they don't pay we have those dollars to drawn down on.

Alderman Shea asked so your answer is we will meet that obligation and it will not cost the taxpayers in Manchester any money for that particular project.

Mr. Sherman answered that is correct.

Alderman Porter stated perhaps Finance could send...I would like to see what the bond...Randy when is that bond payment due.

Mr. Sherman responded we pay it in two parts and I want to say that there is a December payment and a June 1 payment. I can put together...we did it for the Committee and I can

get a copy of the debt schedule and the payments being received from the parties. I can forward that to all Aldermen.

Alderman Porter asked and roughly based on an approximate tax rate, whatever that particular amount is, the assessment, whatever is there now as applied to the rate would generate a certain amount of taxes and if you would include that in that memo or whatever you send.

Alderman Gatsas stated I guess I am coming back to where Alderman Shea was because he asked a pretty specific question and I don't think he got any answers to his specific question. I think his question was, what is the debt service, what is going to be generated and obviously because he started the statement with it is the time of the year that we concern ourselves with the taxpayers because it is on the front end of an election here, I don't think we are going to have the ability to hear those answers that will so graciously come forward from the Finance Department before that election and I think that is where Alderman Shea was going and wanting to make sure that the taxpayers in this City weren't impacted. Now my understanding is that the last time there was a payment due it was a reduction of the letter of credit. That doesn't necessarily mean that there are ample funds going forward to continue with that so I guess the more times we draw down on the letter of credit and now that they have met their 60% threshold how much is left on the letter of credit to pay down the debt?

Mr. Sherman replied let me go back and maybe answer Alderman Shea's question first. The debt service for this year was \$979,000. \$750,000 of that came from the team. The developers had to kick in \$229,000. So we take the taxes generated on the three parcels and we would subtract that from the \$229,000 and then each developer would then pay his share of the difference. The entire \$979,000 will be covered. As far as the draw down on the letter of credit, the agreement that you signed with the developers when they purchased the property versus leasing the property allowed them to use their letters of credit to pay the City these make whole payments. The retail and hotel portion cut the City a check. We actually received a payment from them. The residential portion drew down on his letter of credit. Now his letter of credit is based on each individual townhouse and each individual tower and there is a threshold that that letter of credit cannot go below until each one of those are complete. That gives the City again that additional protection. Next year the payment actually goes up from the \$979,000 to the \$1,241,000 and we only need \$17 million of assessed valuation down on the property to make the difference between that number and the payment from the team. Again, I still think that the City has adequate protection. The letters of credit far exceed three years worth of payments now coming from those properties as required by the agreement.

Alderman Shea moved to accept, receive and adopt the report of the Special Committee on Riverfront Activities and Baseball. Alderman Lopez duly seconded the motion.

Mayor Baines stated this has already been done. It doesn't require Board authorization. All we are doing is accepting the report.

Alderman Lopez stated also this is by agreement that the full Board had signed.

Mayor Baines asked so this is just an informational thing.

Alderman Lopez answered that is correct.

Alderman Guinta asked the \$17 million in valuation, Randy, we have to meet that valuation number by what date. April?

Mr. Sherman answered next April 1.

Alderman Guinta asked meaning 2006.

Mr. Sherman answered yes.

Alderman Guinta asked inclusive of the baseball park.

Mr. Sherman answered no.

Alderman Guinta asked so the hotel if I remember was \$10 million or less.

Mr. Sherman answered they took \$10 million of the \$40 million.

Alderman Guinta asked at 100% completion so you are assuming that by April 2006 \$7 million of the residential will be completed.

Mr. Sherman answered yes and if not then they need to make a payment to the City for the equivalent of the property taxes.

Alderman Guinta asked is it your opinion that they are going to meet the \$7 million based on where they are today.

Mr. Sherman answered we believe they have...they have closed two of the buildings, which would give them 12 units. I am not sure what construction schedule they are on.

Alderman Roy asked, Randy, is it your opinion that the ballpark project will be covered completely by developer costs and baseball costs so there will be no monetary damages to the taxpayers of the City.

Mr. Sherman answered yes.

Alderman Porter stated what I would like to do is find out with the release of the 60% how much is actually left on the letter of credit. The 60% completion is on the overall project right? How is it split between the three entities? The commercial, the hotel and the residential?

Mr. Sherman responded we required \$40 million of assessed valuation. The residential took \$28 million of that. The retail took \$2 million and the hotel took \$10 million. What we have done is we have released 100% of the hotel's letter of credit. They have met their 60% threshold. The retail parcel we have not released anything on. On the residential portion, we released \$80,000, which was the percentage of \$600,000 that represented the townhouses. As Alderman Gatsas referred to, they had also drawn down I believe \$56,000 for the payment that they made in June for their make whole payment.

Alderman Osborne stated I just want to know what is left with this letter of credit after all of this is drawn down.

Mr. Sherman responded the residential has roughly \$1,464,000 left.

Alderman Osborne asked overall over a period of time how much do these letters of credit...how much time does this give the City. Two, three years or a little over a three years still?

Mr. Sherman answered if there is no taxable property down there, which would never be the case because you at least have the land, the next two payments that are required from the tax revenues are \$491,000 next year, \$1,037,000 the year after that and \$1,075,000 the year after that. They are not required or it doesn't take the full \$40 million until 2009.

Alderman Lopez stated I want to remind the Committee members...they were at the meeting and all of these questions were asked. I can appreciate the other Aldermen asking the questions and that is fine but all members of the Committee...every question that was asked here was answered by Randy Sherman and Kevin Clougherty. We have been dealing with this as an informational because of the agreement that we have in the contract that was signed by this Board. We had a timeline to return the money. I think Tom Clark could attest to that. He worked very diligently to assist us and so did Kevin Clougherty. I just want to remind the Board of that.

Alderman Guinta stated I think it is safe to assume that on the residential side at maximum we are going to see the 12 units completed in April 2006 right. We are not going to see any additional?

Mr. Sherman responded at minimum I think you will see that. Again, I am not sure what the construction schedule is.

Alderman Guinta stated but I don't believe he is breaking ground on anything before November so it would stand to reason that the most we would have completed is what is existing, which is 12. I don't, off the top of my head, recollect what the value is but if there are 300 you are only talking \$3.6 million in valuation so we would be short.

Mr. Sherman replied and that is possible. Again, what we would do is take the \$491,000 and subtract out what we get from the hotel and the retail and the residential and the developers have to make up that difference. That is what they agreed to.

Alderman Guinta responded I agree but the retail is not in place and will not be in place, I mean that is pretty clear so that is \$2 million that is off the books. So you would be putting...I mean it looks like we are going to short at least \$3.4 million by my calculation unless my numbers are off. I am assuming a high number of \$300,000 per unit.

Mr. Sherman stated that would leave us about \$98,000 short.

Alderman Guinta asked how do you get to \$98,000.

Mr. Sherman answered if I don't have \$3.4 million of valuation of what I need to make that \$491,000 the developers will have to come up with that \$98,000.

Alderman Guinta asked that would be that one developer, not divided by...

Mr. Sherman interjected no it would be split between the residential and the retail because the hotel should be online.

Alderman Guinta asked so the \$98,000 would be...so the retail component would be required to pay a percentage of that \$98,000.

Mr. Sherman answered yes. They agreed to take \$2 million of the \$40 million.

Alderman Guinta stated I was under the impression that that was based on their portion.

Mr. Sherman stated well the three developers sat down and they debated back and forth on how much of the \$40 million each one would be willing to be responsible for for the make whole payment.

Alderman Guinta asked regardless of who is completing...

Mr. Sherman interjected correct.

Alderman Guinta asked so it is a percentage. So the majority of the \$98,000 would have to be paid by residential and then like 10% or less would be paid by the retail?

Mr. Sherman answered correct.

Alderman Guinta stated what I am saying is we should anticipate a payment at some point. We shouldn't expect actually to meet the \$17 million threshold. Just so we are clear there will be a payment likely because they are not going to build more...

Mr. Sherman interjected there most likely will be a payment again next year.

Alderman Guinta stated I just want to make sure we are all clear about that.

Alderman Roy stated just a clarification. What is not being factored into that math is the fact that the 12 units that are completed will be taxed on their limited common area as well as the units that are created, which may or may not sell in the \$300,000 to \$350,000 range but we also have the large land parcel which has its own taxable income and tax base with it so that is outside of the 12 units and their limited common area but included in the taxable property of that association.

Alderman Porter stated one thing we are missing here - \$40 million worth of assessed value right now generates a certain amount of money in taxes. After we have the revaluation we could be looking at a tax rate of somewhere around, and this is just a guess, \$15 to \$16 per \$1,000 because after the revaluation the tax rate is going to take a drastic drop. What I would like to do is make a motion that Steve Hamilton provide the Board with an updated projection of what that tax...or the generation of taxes will be given the same parameters that he did the other one a couple of years ago.

Mayor Baines stated we will have him do that. There is a motion on the floor to accept the report.

Alderman Gatsas stated exactly from where Alderman Porter is going that number, that shortfall could be far in excess of \$491,000 so I think it is a statement that Alderman Roy approached Finance with that there would never be a risk to taxpayers may not be as valid as what it is. I think that it is important that we get that information and get it pretty quick.

Mayor Baines responded I think the Finance Officer has been very clear on this but again some people aren't willing to listen to it.

Mr. Sherman stated the \$491,000 doesn't change, you are right. I am basing this on current valuation and current tax rates but the agreements that the parties signed was that they would make up that difference. Their actual agreements that they have have a dollar amount as an attachment to those agreements. It is not based on the \$40 million. I mean they used the \$40 million. That is what was in the original documents and that is how they decided to divvy it up but they all agreed on specific dollar amounts that their properties would cover.

Mayor Baines called for a vote on the motion to accept, receive and adopt the report of the Special Committee on Riverfront Activities and Baseball. The motion carried with Alderman Gatsas being duly recorded in opposition.

Nominations presented by Mayor Baines.

Mayor Baines stated I am withdrawing the nomination of Steve Hincee. He had a business conflict and is unable to be on the Planning Board.

Planning Board

Richard E. Molan to fill the unexpired term of Marc Isenburg, term to expire May 1, 2006.

Mayor Baines noted that per the rules of the Board, this nomination will lay over until the next meeting.

Confirmation of the nominations to the Planning Board as follows:
Don Veilleux to serve as the Ex-Officio member of the Board.

On motion of Alderman Thibault, duly seconded by Alderman Sysyn it was voted to confirm the nomination of Don Veilleux to serve as the Ex-Officio member of the Planning Board.

Confirmation of the nomination of Douglas Wenners to succeed himself as a member of the Conduct Board, term to expire October 1, 2008.

On motion of Alderman Sysyn, duly seconded by Alderman Smith it was voted to confirm the nomination of Douglas Wenners as a member of the Conduct Board, term to expire October 1, 2008.

Confirmation of the nomination of Alderman Daniel P. O'Neil to serve as a Manchester representative on the Southern New Hampshire Planning Commission.

On motion of Alderman Thibault, duly seconded by Alderman Garrity, it was voted to confirm the nomination of Alderman Daniel P. O'Neil as a Manchester representative on the Southern New Hampshire Planning Commission. The motion carried with Alderman O'Neil abstaining.

On motion of Alderman Garrity, duly seconded by Alderman Smith it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that:

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000) for the 2006 CIP 214106 Firesafe Intervention Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Fifty Two Thousand Three Hundred Seventy Seven Dollars and Forty Five Cents (\$352,377.45) for FY2006 CIP 411706 – 2006 Homeland Security & Hazardous Materials Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Five Thousand Dollars (\$45,000) for FY2006 CIP 610506 Valley Cemetery Project.”

“Amending the FY2004, 2005 and 2006 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for FY2006 CIP 612206 Neighborhood Revitalization Economic Incentive Program.”

“Amending the FY2006 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Thousand Two Hundred Dollars (\$2,200) for FY2006 CIP 612306 Facility Repairs – Manchester Emergency Housing Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Forty Thousand Dollars (\$140,000) for various CIP Projects.”

ought to pass and be enrolled.

Alderman Gatsas asked can we have an explanation of 712906 and 713006.

Mayor Baines asked are you on Item #21.

Alderman Gatsas answered no aren't we still in Finance.

Mayor Baines responded no.

Robert MacKenzie, Planning Director, stated this is money that was reimbursed from the State of New Hampshire. It was originally funds from two specific projects that had to go back towards those two so it is \$100,000 back to some type of watershed protection program and \$40,000 was going to Crystal Lake Preservation and Conservation.

Alderman Gatsas asked where was the \$100,000 going.

Mr. MacKenzie answered \$100,000 the Board has earmarked so far for land acquisition at Bass Island.

Alderman Guinta asked on the \$150,000 for the Neighborhood Revitalization Incentive Program can you tell me why we are taking money – there are two ADA...we are decreasing 610804 ADA Compliance Planning by \$32,000 and then 810405 we are decreasing ADA Compliance as well for \$19,000. I would like a clarification as to the decreasing of the Elderly Services Transportation Project also.

Mr. MacKenzie answered those are all HUD funds that were programmed awhile ago for an ADA project. Those projects have not been done but we do have to expend HUD monies in a timely manner or we could ultimately lose them so we have to roll those projects into one project that will be expended.

Alderman Guinta asked are they ADA required projects. Are they compliance projects that we are not in compliance with?

Mr. MacKenzie answered we had generally been working on a list that was done a number of years ago. I believe most of those have been accomplished but we do still find occasionally ADA projects that need to be done. I believe these projects are in that latter category as opposed to being in the original ADA report.

Alderman Guinta asked shouldn't we complete those ADA projects prior to spending that money elsewhere if we are required to do it by law.

Mr. MacKenzie answered if there is a need specifically for those projects, we will program them again in the next HUD allocation. Again, we have to spend the money or we will lose it back to HUD.

Alderman Guinta asked when is the next HUD allocation. I thought we already got one for FY06.

Mr. MacKenzie answered the next one will be coming...HUD actually identifies whether it is going to be in January and you as a Board will program that money next spring.

Alderman Gatsas asked can you tell me how much is in this Crystal Lake Conservation Fund.

Mr. MacKenzie answered this is a new project and it is \$40,000.

Alderman Gatsas asked how many dollars have gone to the Crystal Lake project.

Mayor Baines stated Alderman DeVries would probably say not enough. Do you want something more specific than that?

Mr. MacKenzie stated most of the money for land acquisition has actually come from the state as part of the I-93 Mitigation Program. There have been a couple of acquisitions that I am aware of. We upfronted some money and the state has since paid us back that. That is the \$400,000.

Alderman Gatsas asked how many dollars have been put into Crystal Lake – that conservation area directly. On various...I don't think this is the first time this has come before this Board.

Mr. MacKenzie asked of City funds.

Alderman Gatsas answered correct or federal funds or whatever funds you want to allocate.

Mr. MacKenzie stated the state has allocated I think \$1.5 million but that was not channeled through the City. That was for land acquisition in and around Crystal Lake.

Alderman Gatsas asked anything else.

Mr. MacKenzie answered there was one other one as part of a Parks program, which I don't recall but I could check that.

Alderman Gatsas asked are there any other areas in the City that would qualify for this funding.

Mr. MacKenzie answered the I-93 mitigation monies were directly related to impacts and Crystal Lake was chosen because it is relatively close to some of the wetlands that were being filled as part of that I-93 project.

Alderman Gatsas asked what about Hackett Hill.

Mr. MacKenzie answered Hackett Hill is a little bit away. This Board did take an action about two years ago to prioritize some of the land acquisitions and the Board prioritized Crystal Lake first, Bass Island second and Hackett Hill third.

Alderman Gatsas asked have we gotten to Hackett Hill because obviously when you are talking mitigation and it looks like I-93 is going to happen, I thought that was a big piece of the mitigation they were talking about for I-93.

Mr. MacKenzie answered the only project that really hasn't reached fruition at this point is the Bass Island acquisition.

Alderman Gatsas asked so we have completed Crystal Lake.

Mr. MacKenzie answered there may be other lands but the I-93 mitigation, I think, has been completed.

Alderman Gatsas asked can you give us an itemized detail of what has been mitigated, how much has been mitigated, what lands have been bought and where the dollars have come from.

Mr. MacKenzie answered sure.

Alderman DeVries stated I really think you need to separate out though the I-93 mitigation was not lands entirely or at all directly surrounding Crystal Lake. It is in the area of Crystal Lake and within the watershed of Crystal Lake but it encompasses lands that are down on Bryant Road that were previously known as the Greek Picnic Ground. Many privately owned properties were put into conservation from I-93 to Bryant Road down through the Great Cohas Swamp on the other side of South Mammoth Road. It is not like the I-93 mitigation money, which is a decision between the federal government, Army Corps of Engineers and State DOT...it's not like those are decisions that are made here locally. What we did see here about two years ago is there was \$100,000 that had been put aside for land conservation at Crystal Lake. That became part of the money that was spent to prevent a purchase or development of property so that became part of the \$400,000, which now years later has just come back. That now is redirected to Bass Island. If you are asking what we as a City have funded directly, Crystal Lake itself is moving backward. We preserved the \$40,000 that you see allocated here today because that was part of a DES mitigation settlement from a developer who did something he shouldn't have done and the Department of Environmental Services levied a fine that indicated it would go to Crystal Lake because it was done in the vicinity of Crystal Lake. Again, it was beyond the realm of the City. That is why you see the \$40,000 going to Crystal Lake and the \$100,000 going into a fund that will be available to Bass Island.

Alderman Forest stated, Bob, I noticed that you put Hackett Hill third and you stated there was a vote on Bass Island two years ago. If I remember correctly when we voted on Bass Island two years ago and I think we had one other vote prior to the one we just had recently, this Board did not recommend Bass Island. The only reason we voted for Bass Island a month or two ago was the fact that it was a \$100,000 grant with matching funds. I think that is the only reason we accepted Bass Island. I just want to know how Hackett Hill got to be third on the list. I know we had some conservation land bought on Hackett Hill but I just want to know how Hackett Hill became third.

Mr. MacKenzie stated this Board did approve a letter. I think the reason that Hackett Hill was third at that time was that virtually all of the land identified on Hackett Hill as needing preservation has been preserved. We didn't know if there might be some additional parcels up near Hillcrest Terrace. That could be a future possibility but as of today all of the lands identified in relation to the Nature Conservancy have been purchased.

Mayor Baines stated my question goes back to Alderman Guinta's question. I want some assurances that we are not delaying ADA issues that could be taking care of before we transfer this money. Do I have those assurances? The question about us not doing all of the ADA things that we should be doing, I want to make sure that we wouldn't have an opportunity to expend those dollars on ADA issues before we transfer the money. I understand that we have to spend the money...is that what you are giving us?

Mr. MacKenzie responded I would be happy to verify that but I know the staff told me that there were funds that could be transferred. There were issues like handicapped vans, which have not been pursued by the particular department. They were not on the original list of ADA required projects that we were under the Department of Justice order to do so I am not sure...I don't believe that any of these are projects that we were directed to do by the Department of Justice. They are other projects that have come up but I can verify that.

Mayor Baines stated I am very uncomfortable doing that.

Alderman Gatsas asked, Bob, since when did the Justice Department order us to do ADA compliance. I haven't seen that. I don't know if any other Board members have but I haven't seen anything from the Department of Justice that tells us we are not in compliance with ADA standards. I guess my question is why weren't we notified to that effect? Certainly we found \$450,000 to accommodate an elevator at Gill Stadium for handicapped accessibility.

Mr. MacKenzie stated this was dated from the early 1990's when the Department of Justice issued questions to the City. The City did come up with an ADA Compliance Plan that it has been working on for the last decade. That is probably why you have not seen that. I believe we responded to all of those 1990 issues that were identified as part of the plan.

Mayor Baines stated and we also addressed a lot of them through the school renovation project, probably most of them were in the schools and they have been addressed. Central High School, for example, is now 100% ADA compliant. It was way out of compliance.

Alderman Gatsas asked so I assume, your Honor, that your next question would be that they would supply us with that list so that we would know what was identified in 1990.

Mayor Baines answered I think it would be good to get an update and that should go through the CIP Committee. I think that is very important.

Alderman Gatsas stated I think that is because we eliminated the ADA Compliance Officer that we used to have.

Mayor Baines responded Ms. Lamberton is taking care of that now.

Alderman DeVries stated that is exactly what I was going to comment on because I had the same question earlier today and did place a phone call to Human Resources. Ginny Lamberton is our ADA Compliance Officer now and I asked the exact same question because I had concerns and I think she could probably address it better than I if we give her the opportunity now.

Virginia Lamberton, Human Resources Director, stated I believe that the money that is coming out of Human Resources is money that is only designated for salary. Since the ADA person who also had other responsibilities is no longer employed by the City, those responsibilities became mine and we don't typically chargeback for those services.

Alderman Gatsas responded so I guess your answer is that you can give us a list of...

Mayor Baines interjected Mr. MacKenzie's office has that responsibility and it is reported back to CIP. We will find out what we need to do to address those issues because I think the whole Board is committed to that.

Alderman O'Neil stated I am just guessing that Frank Thomas both in his responsibilities for streets and sidewalks and for his responsibilities for the Facilities Division...you mentioned the school project and I am sure every project we work on now the professional design consultants that are hired are implementing ADA compliance as part of their licensing. They have to do that.

Mayor Baines stated I also want you to know that we have a very dedicated group of citizens downtown that stay in touch with my office on many ADA issues.

Alderman Guinta stated I don't want to hold up the other HUD funds that are available but is it possible to identify other HUD funds. There are other HUD funds available that we could use for this program. I assume they are ADA dedicated funds and that would be my concern and it also relates back to six months ago when we were going through the issues of CDBG monies down at the Federal government and they were looking at consolidating and I know they are doing the same thing with HUD funds. One of the issues is are you spending the money where it was originally appropriated. That, I think, is the longer-term concern that I would have.

Mayor Baines stated I concur with that and I would like to see if there are any alternatives. I would recommend passing this tonight but also instructing that this not go forward until we get that clarified.

Mayor Baines called for a vote on the motion to accept, receive and adopt the report of the Committee on Finance. The motion carried with Alderman Guinta being duly recorded in opposition.

Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

On motion of Alderman Forest, duly seconded by Alderman Thibault it was voted to commit the warrant in the amount of \$73,068.74 to the Tax Collector under the Hand and Seal of the Board of Mayor and Aldermen.

Resolutions:

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000) for the 2006 CIP 214106 Firesafe Intervention Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Fifty Two Thousand Three Hundred Seventy Seven Dollars and Forty Five Cents (\$352,377.45) for FY2006 CIP 411706 – 2006 Homeland Security & Hazardous Materials Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Five Thousand Dollars (\$45,000) for FY2006 CIP 610506 Valley Cemetery Project.”

“Amending the FY2004, 2005 and 2006 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for FY2006 CIP 612206 Neighborhood Revitalization Economic Incentive Program.”

“Amending the FY2006 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Thousand Two Hundred Dollars (\$2,200) for FY2006 CIP 612306 Facility Repairs – Manchester Emergency Housing Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Forty Thousand Dollars (\$140,000) for various CIP Projects.”

On motion of Alderman O'Neil, duly seconded by Alderman Smith it was voted to dispense with the reading by titles only.

On motion of Alderman Forest, duly seconded by Alderman Sysyn it was voted that the Resolutions pass and be enrolled.

NEW BUSINESS

A report of the Committee on Human Resources/Insurance was presented advising that they have approved Ordinance:

“Amending Section 33.079 Vacations of the Code of Ordinances of the City of Manchester by adding a new letter (J) providing for a waiver to the leave accrual formula.”

and is recommending that a request from the Airport Director to suspend the rules and adopt the rules the Ordinance this evening be approved.

Alderman Shea moved to accept, receive and adopt the report. Alderman Thibault duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen DeVries, Garrity and Gatsas being duly recorded in opposition.

Alderman Shea moved to suspend the rules and place the Ordinance on its final reading without referral to the Committee on Bills on Second Reading or the Committee on Accounts, Enrollment & Revenue Administration. Alderman Roy duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Gatsas being duly recorded in opposition.

Alderman Forest moved to read the Ordinance by title only. Alderman Osborne duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

“Amending Section 33.079 Vacations of the Code of Ordinances of the City of Manchester by adding a new letter (J) providing for a waiver to the leave accrual formula.”

This Ordinance having had its final reading, Alderman Forest moved to Ordain. Alderman Roy duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Gatsas and Garrity being duly recorded in opposition.

Deputy City Clerk Johnson stated the second item of new business is an Ordinance regarding residential permit parking. It is a follow-up actually to actions of the Traffic Committee a couple of weeks ago when we did bring in a change of the ordinance. We, however, had missed a couple of items in that process and so we are submitting another Ordinance amendment, which basically removes the last sentence of Section E (b) stating that merely a valid driver’s license would be required and adding that “if an applicant moves from the said residence within the time period that the permit is issued for or the applicant no longer owns a registered vehicle, the applicant must return the residential parking permit to the Manchester Police Department.” This was done at the request of the Police Department. We would look for a motion to suspend the rules and place this on its final reading at this time without referral to Committees.

Alderman Sysyn moved to suspend the rules and place the Ordinances on its final reading without referral to the Committee on Bills on Second Reading or the Committee on Accounts, Enrollment & Revenue Administration. Alderman Forest duly seconded the motion.

Alderman Gatsas asked can you explain to me what form of identification is needed.

Deputy City Clerk Johnson answered they would still need a driver's license.

Alderman Gatsas stated I understand they need a driver's license but normally the driver's license tells you what your address is and if you are eliminating the address how does Traffic know where you live and if you qualify for that parking.

Deputy City Clerk Johnson responded these permits are actually issued by Ordinance Violations and Section (E)(2)(a) lists the other information that has to be provided. They need a lease agreement or other information. I don't know if Chief Jaskolka wants to address it but that is my understanding. Traditionally the application is filled out, they submit a driver's license to prove who they are and then they have to submit something else that indicates that they are residing in the zone, which would be in the form of a lease agreement or a letter from the school authority if it is a dorm situation.

Mayor Baines called for a vote. There being none opposed, the motion carried.

On motion of Alderman Roy, duly seconded by Alderman Garrity it was voted to read by title only, and it was so done.

“Amending Section 70.55, Residential Permit Parking, of the Code of Ordinances of the City of Manchester by amending Section (E)(2) regarding Residential Permit Parking for Full Time Students and Section (E)(3).”

This Ordinance having had its final reading, on motion of Alderman Thibault, duly seconded by Alderman Guinta, it was voted to Ordain.

Deputy City Clerk Johnson stated we have one more item of new business, your Honor, and that is a request to approve the retirement of Gerry Coulter as submitted.

Mayor Baines asked can we comment on his number of years of service.

Deputy City Clerk Johnson answered I think it was 44 ½.

On motion of Alderman Porter, duly seconded by Alderman Smith it was voted to approve the retirement as submitted.

Alderman Shea stated I do want to compliment the dispatcher at the Highway Department. Last Sunday night I got a call at 8 PM. A tree fell on one of my constituent's roof. I called the dispatcher who in turn called Parks & Recreation who went over and helped the woman and she personally wanted me to thank both departments for the work that was well done.

Alderman Smith stated I would like to ask Frank Thomas...I am not on the Energy Committee but I understand the agreement was for \$1.50/gallon that you budgeted or all departments budgeted roughly.

Mayor Baines stated we are working with all departments on this issue.

Mr. Thomas stated that is correct. We budgeted for that. Other departments would have used approximately the same amount.

Alderman Smith asked do you have any idea on what it is going to cost you now because you have the MTA, Parks & Recreation, and your department that during the winter works roughly 24 hours a day. I would imagine that the cost will be much more than \$1.50/gallon.

Mr. Thomas answered the latest was up to about \$2/gallon so that is about a 25% increase.

Alderman Lopez stated there was a lot of discussion tonight based around Kidder Street and the operation of the building down there that is being supervised by Manchester Development Corporation. Who on the City side is going to make sure that things are put back in the right place?

Mayor Baines responded we have already met...Frank Thomas is going to be working with them. We already talked to the residents and he is going to be coordinating a meeting to make sure everything is done properly.

Alderman Gatsas Alderman Gatsas stated I come back to everybody's recollection...I think we all received this letter from Mr. Arnold and I am certainly speaking on behalf of the entire Board because I think this is an important issue for every one of us. When he makes reference to NH RSA 45:9 in his "he the Mayor shall preside over the Board of Aldermen", 45:9 Presiding takes about a veto.

Mayor Baines asked so is it an incorrect reference. Is that what you are saying?

Alderman Gatsas answered I don't know if it is an incorrect reference, your Honor, but at some point if we as a Board are challenging the City Solicitor I guess I question what ability

we have to go forward because then I take you to reference 46:8, which says “distinct from Mayor and Aldermen” that the “persons chosen and qualified as members of common council shall assist and act together as one board distinct from the mayor and aldermen except when the two bodies are required to act in convention.” Then it also talks about, your Honor, that we make our own rules and I would say that the rules that we have here are the rules that we have and if we as a Board understand that and we vote for these rules and the rules are very clear. It comes back to that issue of the roll call, your Honor. I understand that you call it a motion. This is a rule and it is not a motion and Deputy Solicitor Arnold needs to understand what the rulings are or he shouldn’t make them because it is very clear what Rule 25 says. It says “suspension of the rules” and that is the way you get to that by the suspension of the rules.

Thomas Clark, City Solicitor, stated Deputy Solicitor Arnold reviewed the situation. He discussed it with me. I am in full concurrence with his opinion. The Mayor as set up by statute presides over the meetings. The courts have determined that in presiding over the meetings he decides what to recognize and what not to recognize. That is only tempered by the ability of an Alderman to appeal to this Board and it takes 10 votes to override the Mayor’s decision. It has nothing to do with a veto. The courts have also ruled that you adopt your own rules, however, they have also ruled that Boards and I have advised this Board of this many times, can ignore their own rules. They have no authority under law.

Alderman Gatsas asked so when you say they have no authority under the law then we as a Board should abandon these rules because they mean nothing.

Solicitor Clark answered I didn’t say that.

Alderman Gatsas stated well Rule 24 is very clear. It says roll call and Rule 25 is suspension of the rules.

Solicitor Clark responded and the Mayor decides whether or not to accept any motion or to recognize a member of this Board.

Alderman Gatsas stated a motion and a rule are two different things. Can we identify that?

Mayor Baines replied you have your opinion and the City Solicitor has given his.

Alderman Gatsas stated I guess we should get another legal opinion to challenge the City Solicitor. Are we allowed to do that?

Solicitor Clark responded the opinion of the City Solicitor is the opinion of the City Solicitor. This Board has the right to ignore it if it wishes.

Mayor Baines stated the general rule in presiding over meetings is if there is going to be a close vote there is a reason for a roll call and when there is a question there is a roll call vote. We need to move forward expeditiously.

Alderman O'Neil stated the Clerk will be handing out a letter from Aldermen Shea, Osborne, Garrity, Smith and myself regarding St. Anne's Church. All we are asking tonight is that the Board support any efforts to save St. Anne's for its historical importance in the City of Manchester. There is a movement on to turn it into housing. I don't want to speak for my colleagues who signed the letter but in my opinion it is not appropriate. St. Anne's has a great history in our City and there may be an opportunity as they did in Portland, ME to create a cultural center with the building. Bob MacKenzie has been working on this a little bit but it needs a lot more work to see where it can go.

Mayor Baines asked should this be referred to a Committee. Do we have the right to deal with the private sale of a property?

Alderman O'Neil answered we are not indicating interfering with anything. We are just saying that we think there should be an effort to save it and not turn it into housing.

Solicitor Clark stated the Board is free to offer its opinions to the diocese. It doesn't mean you can direct them to do it.

Alderman O'Neil stated right it can go to the diocese. We talk about the Irish community here, the Greek community was brought up in the same neighborhood and there may be a way to incorporate the Greek community into this.

Mayor Baines asked what is going to happen with this letter. Do you want to forward it to the diocese?

Alderman O'Neil answered yes.

Alderman O'Neil moved to forward the letter to the Diocese of Manchester. Alderman Shea duly seconded the motion.

Alderman Gatsas asked is this a precedent we are setting.

Mayor Baines answered I don't know. I haven't been here for 150+ years.

Alderman Gatsas stated I understand that but is this a precedent that we are sending to an individual seller of property that we would like them to...Alderman are you trying to and I guess I will make the question direct. Are you looking for the City to purchase this building?

Alderman O'Neil responded not necessarily but the City may have to partner or the City may be asked down the road to help leverage some funds. I don't think it is at that stage yet Alderman that anybody knows that. As Alderman Osborne has said, when it is gone it is gone and we have made a lot of mistakes over the years, City government, by allowing some of these great buildings in the City to be torn down and to be turned into other uses. People look back later...Alderman Osborne brings up the railroad station as an example. We all can remember it being there. It got torn down and now we are looking to build a railroad station again. It is true. When it is gone, it is gone. Once this becomes housing it is never going to have the same importance in the community that it once had.

Mayor Baines stated this is just expressing an opinion. It is not binding anyone to do anything.

Alderman O'Neil stated correct. We have no authority to stop anything. It is just the opinion of the Board.

Mayor Baines stated if there is a way to preserve it that is what the point is.

Alderman O'Neil responded exactly your Honor.

Mayor Baines called for a vote on the motion to forward the letter to the Diocese of Manchester. There being none opposed, the motion carried.

Alderman Guinta stated I have a question of clarification. During the public session Representative Hirschmann was saying that he was an Alderman when the Board made a request to the State Liquor Commission. I don't know if the laws have changed since then but is that something we are still required to do?

Mayor Baines responded I will let the City Solicitor answer that although this whole matter is under review by the City Solicitor to proceed in a very legal manner. It hasn't been deferred to any other group – the Commission or anything else. It is now with the City Solicitor and the Police Department who are in conversations with State Liquor Enforcement. It is a very complex issue and when we do proceed we want to proceed with full legal force.

Solicitor Clark stated several years ago, and I can't give you the exact date, there was a club on the West Side, I believe it was called Pyramid. That was the subject of quite a bit of discussion by the Board and various people. The legal fight started to take away their business license and I would advise the Board that I believe that legal battle took over three years to accomplish. However, we did eventually succeed through the Liquor Commission where they pulled their license. It is not a quick thing and you have to make sure that all of your t's are crossed and your i's are dotted to make sure everything is done properly.

Alderman Guinta stated I just want to make sure that if there is a requirement that the Board of Mayor and Aldermen have to do that and that is what was indicated from the public testimony. That is what I am trying to clarify. Is there a requirement or are we required to do that before the Liquor Commission can take certain actions?

Solicitor Clark responded once everything is compiled and fully documented and once the proper paperwork is done we would bring it back to the full Board for authorization to file.

Mayor Baines stated as soon as it is ready it will come to the Board.

Alderman O'Neil stated my memory of the Pyramid is that ultimately it was a business decision by the Pyramid that put them out of business. If I recall, it wasn't the Liquor Commission taking their license.

Mayor Baines stated that was my understanding.

Alderman O'Neil stated they just one day decided after battling this thing for years...it wasn't exclusively the Liquor Commission and the license that put them out.

Solicitor Clark responded Alderman O'Neil is correct. It wasn't that they lost their liquor license and they closed the next day. They stayed open for awhile. They had some cash flow problems and other problems and eventually decided to close on their own.

Alderman Guinta asked but they are parallel situations.

Solicitor Clark answered yes there are similarities.

Alderman Guinta stated ultimately I think Alderman O'Neil is correct that there were other steps that the City was taking.

Mayor Baines replied let me assure you once again that as soon as that analysis is complete and it is in the process right now, we will get back to the Board.

Alderman Guinta asked do we have an idea of when that would be completed.

Solicitor Clark answered I am still waiting for some information from other departments.

Alderman Roy stated that is a very important subject and I am glad it is getting heard. I would like to just under new business tell you that Saturday evening a wedding was able to take place in the City of Manchester thanks to the efforts of Carol Johnson, Paula Kang and especially Tricia Piecuch for coming down and opening City Hall and meeting with the

Superior Court judge and a young couple. Their exemplary service should not go unnoticed as no one was in the building when they opened it to make things happen.

Mayor Baines stated there are a lot of interesting stories we get involved in and there are several I have been involved in as Mayor. A couple who was getting married neglected to get their marriage license. I got a call from Father Cooper from the Cathedral and several Aldermen got involved in it but the good news is my wife and I were down by the church on Saturday and the parking lot was full and the church was full so we came to the conclusion it was a happy ending. Seriously things like that happen sometimes and that is when you feel that the government is really close to the people. I intervened once and I remember Alderman Gatsas and Alderman Wihby got involved too where we had a couple that was going on a trip and they didn't have their birth certificate and we had to open up City Hall and Paula came down. I still see that guy today and he still thanks me because they were able to have that trip.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Thibault it was voted to adjourn.

A True Record. Attest.

City Clerk